

IN UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NEW YORK

JUSTIN MELFI,

Plaintiff,

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

v.

CITY OF OLEAN,
CITY OF OLEAN FIRE DEPARTMENT,
MAYOR WILLIAM J. AIELLO, and
CHIEF TIM RICHARDSON,

Case No. 21-cv-39

Defendants.

PLEASE TAKE NOTICE that a motion will be made for the relief specified herein in connection with the above entitled action as follows:

MOTION MADE BY:

City of Olean, City of Olean Fire Department, Mayor William J. Aiello, and Chief Tim Richardson (collectively “Defendants”).

**DATE, TIME & PLACE
OF MOTION:**

At the United States District Court for the Western District of New York, 2 Niagara Square, Buffalo, New York 14202, before the Hon. William M. Skretny, at a date, place, and time to be determined by the Court.

SUPPORTING PAPERS:

Declaration of Christopher P. Maugans, with exhibits, dated January 31, 2024; Defendants’ Statement of Undisputed Material Facts Pursuant to Local Rule 56(a)(1), dated January 30, 2024; Affidavit of Robert Patrick Bell, with exhibits, sworn to on January 31, 2024; Affidavit of Timothy Richardson, with exhibits, sworn to on January 31, 2024; Affidavit of William J. Aiello, with exhibits, sworn to on January 30, 2024; Affidavit of Pat Zink, with exhibits, sworn to on January 31, 2024; and accompanying Memorandum of Law in Support of Defendants’ Motion for Summary Judgment.

**RELIEF SOUGHT AND
GROUNDS THEREFOR:**

1. An Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Defendants' Motion for Summary Judgment and dismissing the Complaint in this action; and;
2. Such other and further relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1) of the Local Rules of Civil Procedure for the Western District of New York, Defendant intends to file reply papers.

DATED: Buffalo, New York
January 31, 2024



Christopher P. Maugans, Esq.
GOLDBERG SEGALLA LLP
Attorneys for Defendants
665 Main Street
Buffalo, New York 14203
(716) 710-5825
cmaugans@goldbergsegalla.com

TO: LAW OFFICE OF LINDY KORN PLLC
William F. Harper, Esq.
Lindy Korn, Esq.
Attorney for Plaintiff
535 Washington Street, Ninth Floor
Buffalo, New York 14203
(716) 856-5676
WHarper@lkorn-law.com
Lkorn@lkorn-Law.com